

UNITED STATES DISTRICT COURT
for the

Western District of Virginia

CLERK'S OFFICE U.S. DISTRICT COURT
AT ROANOKE VA. - FILED

APR 09 2008

BY: JOHN P. CORCORAN, CLERK
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United States of America

v.

Samuel Hill

Date of Previous Judgment: April 17, 2003
(Use Date of Last Amended Judgment if Applicable)) Case No: 7:02CR10010-001
) USM No: 07151-084
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____ Amended Offense Level: _____
Criminal History Category: _____ Criminal History Category: _____
Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain): _____

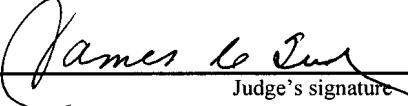
III. ADDITIONAL COMMENTS

The defendant received the statutory mandatory minimum sentence of 120 months on Count Two. The 2007 amendments to the crack cocaine sentencing guidelines cannot reduce his guideline range below the statutory mandatory minimum. Therefore, he is not eligible for a sentence reduction under the amendments, pursuant to § 3582(c)(2).

Except as provided above, all provisions of the judgment dated 04/17/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: April 9, 2008



Judge's signature

Effective Date: _____
(if different from order date)

James C. Turk, Senior United States District Judge

Printed name and title